

## REMARKS

Claims 52-73, 75, and 76 were pending in the application at the time the present Office Action was mailed. Claim 52 has been amended to clarify certain aspects of this claim. Thus, claims 52-73, 75, and 76 remain pending in the present application.

In the Office Action mailed December 2, 2004, claims 52-73, 75, and 76 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,289,165 to Abecassis ("Abecassis").

### A. Response to the Section 102 Rejection of Claims 52-73, 75, and 76

Claims 52-73, 75, and 76 were rejected under 35 U.S.C. § 102(e) as being anticipated by Abecassis. The standard for an anticipation rejection under Section 102 requires, among other things, that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (MPEP § 2131; emphasis added.) As discussed below, Abecassis cannot support a Section 102 rejection of claims 52-73, 75, and 76 for at least the reason that this reference fails to teach or suggest each and every element set forth in the claims.

#### 1. Independent Claim 52 is Directed to a Method for Controlling Reproduction of a Work Including, *Inter Alia*, Reviewing an Audiovisual Work on a First Storage Medium, Playing a Rated Version of the Work if Available and, if a Rated Version is Not Available, Accessing a Database on a Second Storage Medium

Claim 52, as amended, provides a method of controlling reproduction of a work that includes, *inter alia*, receiving rating input that comprises a selection of one of a plurality of ratings choices and reviewing the work on a first storage medium to determine if the first storage medium includes a rated version that bears a predetermined relationship to the rating input. The rated version, if present, is played. If the rated version is not included on the first storage medium, a database stored on a second medium is accessed. This database includes, for each of the plurality of ratings choices, a secondary database that includes information identifying a portion of a work having an assigned content ratings level bearing a predetermined relationship with the

ratings choice. Scenes of the work are reproduced in accordance with information in the secondary database that corresponds to the rating input.

2. Abecassis Discloses a System and Method for Processing and Playing a Video Utilizing Information Provided by a Segment Map

Although Abecassis has been discussed at length in prior prosecution of this application, there still appears to be some confusion as to the teachings of Abecassis. Thus, the following discussion is provided to set forth in detail the portions of the applied reference at issue. Abecassis discloses a system and method for automatically customizing the playing of videos and/or video games to satisfy the particular video requirements of a plurality of individual viewers. Referring to Figure 1, the system of Abecassis includes a Multimedia Player 100 that has a random access video/data disc module 101 (e.g., DVD player) and various storage media (103, 104, and 144). The Multimedia Player 100 is configured to receive and store a viewer's predetermined viewing preferences (i.e., content preferences). The content preferences are preestablished guidelines identifying the viewing preferences in each of a number of content categories, including "a viewer's preferences for the form of expression, explicitness, the absence of objectionable segments, content categories and levels, length, and detail." (Abecassis, col. 5, Ins. 29-32.) The content preferences also include technical preferences, presentation preferences, and programming preferences (e.g., viewer preferences to specific videos, types of videos, and/or dates and times that a viewer may desire to view a video.)

Referring to Figure 9A, Abecassis describes the playing of a variable content video in the Multimedia Player. For example, a viewer first selects the desired video disc and the Multimedia Player applies the viewer's content preferences to the video, resulting in an "automated logical selection of sequential and non-sequential segments of the selected video 924 consistent with the viewer's video content preferences and the video map." (Abecassis, col. 33, Ins. 54-58.) This requires the Multimedia Player to carry out a series of independent comparisons of a plurality of different content codes for each portion of a scene, requiring detailed programming and burdening the system's

processing capacity. The individualized video is played by the Multimedia Player after generation of the single, monolithic map consistent with the viewer's preferences.

Importantly, Abecassis teaches that "the playing of a variable content video does not require that the viewer preview the contents of segments of the video." (Abecassis, col. 34, lns. 12-13; emphasis added.) Furthermore, Abecassis stresses that "following the initial setup of a Multimedia Player with a viewer's content preferences, a subsequent viewing of a variable content video . . . only requires the pressing of the play key." (*Id.* at lns. 15-20.) The Multimedia Player then automatically initiates playing of each video without any further viewer instructions or interaction.

3. Claim 52 is Patentable over Abecassis Because this Reference Fails to Teach or Suggest Several Claimed Features

Claim 52 is patentable over Abecassis because this reference fails to teach or suggest several claimed features. For example, the method of claim 52 requires selecting a particular rating choice and reviewing an audiovisual work on a first storage medium to determine if a rated version of the audiovisual work corresponding to the viewer's chosen rating is available. In contrast, the system of Abecassis does not determine if a rated version is available. Rather, Abecassis discloses that every video played in the Multimedia Player is customized in accordance with a particular viewer's content preferences to form a segment map, and the viewer then watches the resulting customized material. In fact, Abecassis teaches that a viewer can analyze and rate hundreds of content categories when initially setting up the Multimedia Player, and the subsequent ratings are then applied to each segment of every variable content video played within the Player to create the viewer's individualized segment map. (See, e.g., Abecassis, col. 16, ln. 40 to col. 17, ln. 43; emphasis added.) Nowhere does Abecassis teach or suggest merely playing a rated version of an audiovisual work corresponding to the selected rating choice. Instead, Abecassis requires a series of detailed programming processes in response to the viewer's content preference to develop the individualized segment map corresponding to the viewer's particular choices. Therefore, Abecassis does not teach or suggest all of the features of claim 52 and, accordingly, the Section 102 rejection of claim 52 should be withdrawn.

Claim 52 is further patentable over Abecassis under Section 103. As discussed above, claim 52 calls for playing the rated version of an audiovisual work if the rated version exists on the first storage medium and corresponds to the selected ratings choice. On the other hand, Abecassis consistently requires the creation of a unique segment map corresponding to a viewer's content preferences as applied to a particular variable content video. Further, Abecassis stresses that the individual content preferences are applied to each video played by Multimedia Player. Thus, Abecassis teaches directly away from merely playing the rated version of an audiovisual work corresponding to the viewer's specific ratings choice. Consequently, claim 52 is also patentable over Abecassis under Section 103.

Claims 53-62 depend from base claim 52. As discussed above, claim 52 is now allowable. Therefore, claims 53-62 are allowable as depending from claim 52, and also because of the additional features of these dependent claims. Accordingly, the Section 102 rejection of claims 53-62 should be withdrawn.

4. Independent Claim 63 is Directed to a Method for Controlling Reproduction of a Work on a Playback Apparatus Including, *Inter Alia*, Receiving Ratings Choices Regarding Scenes of an Audiovisual Work from a Secondary Database Stored on a Server Storage Medium, the Individual Ratings Choices Being Assigned by a Screener who is a Party Other than the Source of the Work

Claim 63 is directed to a method of controlling reproduction of an audiovisual work on a playback apparatus including, *inter alia*, providing to the playback apparatus an audiovisual work prerecorded by a source on a first storage medium. The method further requires establishing a connection to a server containing a database that is stored on a server storage medium that is different from the first storage medium. The database contains, for each of a plurality of ratings choices, a secondary database comprising information identifying a relationship between at least a portion of a scene of the work and the ratings choice. Each ratings choice has a content ratings level assigned by a screener who is a party other than the source. The method also includes receiving ratings input specifying a ratings choice and downloading into the controller of the playback apparatus the secondary database associated with the ratings choice specified in the ratings input. The method further includes reproducing scenes of the

work with the controller of the playback apparatus using the information in the downloaded secondary database to control reproduction of the work.

5. Claim 63 is Patentable over Abecassis Because this Reference Fails to Teach or Suggest a Secondary Database Including Content Ratings Assigned by a Screener who is a Party Other than the Source

Claim 63 requires a secondary database comprising information identifying a relationship between at least a portion of a scene of the work and the ratings choice. This information is provided by a screener who is a party other than the source. The Office Action asserts that this feature of claim 63 is disclosed in Figure 7D, which allows the user to change the rating for each scene. This is not correct. As discussed above, the system of Abecassis allows a user to establish content preferences in each of a plurality of content categories, however, the content preferences are "generic" (i.e., the preferences are applied to various types of audiovisual media, such as movies, television, and video games) without requiring a screener to separately view the media beforehand. By establishing the content preferences beforehand, for example, playing a video in Abecassis's system does not require that anyone preview the contents of segments of the video. This is in direct contrast to claim 63, which calls for a screener who previews the video and rates various scenes according to a desired content ratings level. Thus, Abecassis teaches directly away from several features of claim 63. Accordingly, the Section 102 rejection of claim 63 should be withdrawn.

Claim 63 is further patentable over Abecassis under Section 103. Claim 63 calls for a screener who assigns a content ratings level to various scenes of the work. Thus, the screener views the specific work beforehand to determine the appropriate ratings level for the various scenes and this information is saved in the secondary database. In contrast, Abecassis stresses that the playing of a variable content video does not require that the viewer preview the contents of segments of a particular video. Thus, Abecassis teaches directly away from the method of claim 63 because the content preferences in Abecassis's system are generic to all types of videos. Accordingly, it would not have been obvious to modify Abecassis to come up with the claimed

combination of features. Consequently, claim 63 is also patentable over Abecassis under Section 103.

It should also be noted that several of the passages cited in the Office Action neither teach what the Office Action contends, nor teach the presently claimed invention. For example, the method of claim 63 requires "providing to the playback apparatus an audiovisual work prerecorded by a source on a first storage medium" and "reproducing scenes of the work with the playback apparatus, the controller using the information in the downloaded secondary database to control reproduction of the work." The Office Action cites to an image and corresponding description of a remote control. The remote control of Abecassis, however, neither teaches nor suggests any features of claim 63.

Claims 64-72 depend from base claim 63. As discussed above, claim 63 is allowable. Therefore, claims 64-72 are allowable as depending from claim 63, and also because of the additional features of these dependent claims. Accordingly, the Section 102 rejection of claims 64-72 should be withdrawn.

6. Claim 73 is Directed to an Apparatus for Controlling Reproduction of a Work that Includes, *Inter Alia*, an Audiovisual Reproduction Unit and a Controller Coupled to the Unit, the Controller Being Programmed to (a) Store a Content Ratings Level, and (b) Reproduce Only Portions of the Work with an Assigned Content Ratings Level Having a Predetermined Relationship to the Playback Content Ratings Level

Claim 73 is directed to an apparatus for controlling reproduction of an audiovisual work that includes, *inter alia*, a ratings input adapted to receive (a) information assigning an assigned content ratings level to a portion of the work, and (b) a playback content ratings level input by the viewer. A controller is coupled to the ratings input and to a connection to a server storage medium. The controller is programmed to (a) store the assigned content ratings level in the server storage medium-resident database, and (b) control reproduction of the work to reproduce only the portions of the work having an assigned content ratings level bearing a predetermined relationship to the playback content ratings level.

7. Claim 73 is Patentable over Abecassis Because this Reference Fails to Teach or Suggest the Claimed Ratings Input and Controller

Claim 73 requires a ratings input adapted to receive an assigned content ratings level for a portion of the work and a viewer-selected playback ratings level. The Office Action cites to Figure 7G of Abecassis in asserting that the applied reference discloses the claimed features. Figure 7G, however, only discloses a "program selection screen" that allows a viewer to select programs to view based on a variety of choices. Nowhere does Abecassis disclose or suggest the claimed combination of elements. In fact, as discussed above, Abecassis discloses a "generic" content preferences system that allows users to select viewing preferences from a variety of ratings categories. Abecassis allows the user to define certain preferences, but the rather complex system map is either distributed on the DVD itself or, if it wasn't included in the DVD at the time it was made, retrieved at a later date. (Abecassis, col. 27, ln. 66 to col. 28, ln. 3.) Since the segment map is pre-defined, the user cannot assign content ratings levels to specific portions of specific videos. Thus, Abecassis does not teach or suggest all of the features of claim 73. Therefore, the Section 102 rejection of claim 73 should be withdrawn.

The Section 102 rejection of claim 73 should be withdrawn for at least one additional reason. Claim 73 requires a controller programmed to store the content ratings level, as well as control reproduction of the work in accordance with the assigned ratings level. The claimed controller is operatively coupled to an audiovisual reproduction unit, a viewer input, and a connection to the server storage medium. In contending that Abecassis discloses such a controller, the Office Action refers to Figure 2 of the applied reference. This figure, however, only discloses a remote control 200 used to control various portions of the Multimedia Player. In no way does the remote control teach or suggest the various feature of the claimed controller. In fact, nowhere does Abecassis disclose a system with such a multi-functional ratings input and a controller that will both store assigned content ratings level information on a server storage medium and use the database containing the this input to control reproduction of a work. Accordingly, for at least this additional reason the Section 102 rejection of claim 73 should be withdrawn.

Claims 75 and 76 depend from base claim 73. As discussed above, claim 73 is allowable. Accordingly, claims 75 and 76 are allowable as depending from allowable base claim 73, and also because of the additional features of these dependent claims. Therefore, the Section 102 rejection of claims 75 and 76 should be withdrawn.

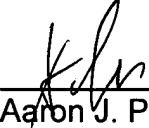
**Conclusion**

In view of the foregoing, the pending claims comply with 35 U.S.C. § 112 and are patentable over the applied art. The applicant respectfully requests reconsideration of the application and a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3982.

Respectfully submitted,

Perkins Coie LLP

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